

14

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

Ahmad Jebril #31943-039
Federal Correctional Institution
P O Box 4200
Three Rivers, TX 78071

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)
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v.

Federal Bureau of Prison

C. Eichenlaub (Warden of Milan Federal
Correctional Institution - Milan,
Michigan)

Case: 2:08-cv-10159
Judge: Friedman, Bernard A
Referral MJ: Scheer, Donald A
Filed: 01-11-2008 At 01:43 PM
CMP JEBRIL V. FEDERAL BUREAU OF PRI
SONS ET AL (DA)

Jodi Bradly (Captain of Milan Federal
Correctional Institution - Milan,
Michigan)

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28 § 1346(b) Federal Tort Claim Petition

1. The action arises under Federal Tort Claim against the Federal Bureau of Prisons pursuant to 28 § 1346, as hereinafter more fully appears.

2. On 12/11/06 I was an inmate at Milan Federal Correctional Institution in Milan, Michigan. On the mentioned day at around 4:00pm I was called to the officers office by Jason Berger who directed me to other officers who took me to the Special Housing Unit where I remained for 8 months.

On 12/11/06 I was in a cell where I seen them bring in 8 army bags of my property through my cell on the 1st floor of the east side. During my 8 month stay in the SHU I wrote numerous letters and spoke to many staff to allow me to see my property and get some items.

I was always informed that my property is in the SIS lieutenants office and is under SIS investigation.

Finally on 6/25/07 I was allowed to go see my property. Six months after being in the SHU. I discovered that I only had a single bag of my property. Nearly everything else was stolen and missing.

I was informed that orderlie inmates who have access to the lieutenants office and the property room were stealing my property.

I informed staff on continuous basis to watch for my items and let me inventory them. They informed me that after I leave Milan and see what I have I should then file a tort claim.

Some officers had threatened to do "something" to my property when I kept asking about my property and that may have been another reason why my property is missing.

Officer Juhuz(not sure how it's spelled) once shouted out to me (.....you want me to do a Mexican ***** on your property) in retaliation for me inquiring about it. (***** is for a term I did not understand).

I wrote the warden regarding that threat the same day and he responded with the enclosed exhibit #2.

Staff harassment towards me for allegations they assumed against me brought about by SIS caused them to harass me and my property, as well as possibly allowing orderlies to steal from my property after I informed them.

3. Chapter 15, PS 5500.1 of the custodial manual indicates that "receiving officer will, as soon as practicable after receipt of the property, review the inventory with the inmate to verify the accuracy of the inventory. The receiving officer is to give the inmate all allowable items, and record this action...."

It also states : "The officer preparing the inventory is to list all property picked up, including that property identified as contra-band. The officer is to show the quantity of each item in the first blank space preceding the name of the property."

It also states: "Upon completion of the inventory, both the form and property are forwarded to the receiving unit. The officer is to certify the inventory by signature"

Also states : "The receiving officer certifies receipt, review, and disposition of the property by signing the form. In the same section, the inmate by signing certifies the accuracy of the inventory, except as noted on the form, relinquishing of all claim to articles donatedetc."

Also states : "When an inmate is placed in SHU, that inmate's property is to be secured as soon as possible. The inmate is to be given the opportunity to advise staff of the inmate's property and its location within the housing area"

Also states : "...one of the officers working in detention is designated property officer. That officer has general responsibility for the property and except in unusual circumstances, property is only issued during that officers shift so that one officer supervises and documents the disposition of property"

Also states : "a copy of form 40 or for intra-unit movement, a local form for identifying inmate personal property is to be retained within the SHU for at least two years"

With all these procedures set forth to the officers, they did not follow a single one of these. That's in addition to the fact they clearly threatened to do something to my property as previously stated.

I had informed the captain, the warden and others but they refused to do anything.

4. Upon being transferred from Milan FCI to Three Rivers FCI in

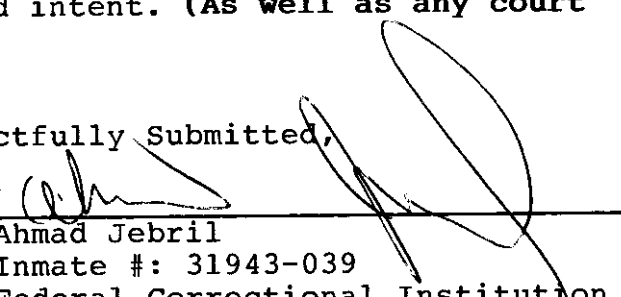
TX I filed^a Tort Claim. See Exhibit #1.
On 12/18/07 I received a letter stating that it was a "FINAL
DENAIL OF CLAIM". See Exhibit #3.

4. I'm sure that my loss was the result of the negligent acts
and omissions of Bureau of Prisons employees acting within
the scope of their employment as I can prove beyond a doubt
in the court of law and as this petition summerizes the facts.

5. The total amount of property stolen and unaccounted for
totals to \$1,155.88.

Wherefore plaintiff demands judgement against defendants for
total amount of loss as compensatory damages as well as an
additional amount for punitive damages because loss was
suffered by an evil motive and intent. (As well as any court
costs and filing fees).

Respectfully Submitted,



Ahmad Jebril
Inmate #: 31943-039
Federal Correctional Institution
P O BOX 4200
Three Rivers, TX 78071

**CLAIM FOR DAMAGE,
INJURY, OR DEATH****INSTRUCTIONS:** Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.FORM APPROVE
OMB NO.
1105-0008**1. Submit To Appropriate Federal Agency:**North Central Regional office
Regional Counsel
400 State avenue 8th Floor
Kansas City, Kansas 66101**2. Name, Address of claimant and claimant's personal representative, if any.
(See instructions on reverse.) (Number, street, city, State and Zip Code)**Ahmad Jebri #31943-039
P.O. Box 4200
Three River, TX 78071**3. TYPE OF EMPLOYMENT**☐ MILITARY ☒ CIVILIAN**4. DATE OF BIRTH**

3/29/71

5. MARITAL STATUS

married

6. DATE AND DAY OF ACCIDENT

12/11/06

7. TIME (A.M. OR P.M.)

4:00 PM

8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof) (Use additional pages if necessary.)

On 12/11/06 at 4:00pm I was called to the 20. office by officer Jason Berger. Then was taken to the "SHU". I remained in the SHU for 8 months. On 12/11/06 I seen them bring in 8 army bags of my property through my cell in the SHU. During the 8 months I wrote over 10 letters to staff to allow me see property and get some items. Finally on 6/25/07 I was finally allowed to go property. (6 months later). I discovered they only had a single small bag of my property. Nearly everything was stolen. I was told by orderlies my property (8 bags) were in the SIS lieutenants office and orderlies (inmates) like inmate/orderly "Garcia" was taking items and putting them in his property. I told authorities. I don't know what they did to my property but no (property) sheet dated 12/11/06 was done by Berger.

9. PROPERTY DAMAGE**NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, street, city, State, and Zip Code)**

Same as #2

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on reverse side.)

Property bought in prison or items sent to me from home were stolen/missing

10. PERSONAL INJURY/WRONGFUL DEATH**STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT.**

N/A

11. WITNESSES**NAME****ADDRESS (Number, street, city, State, and Zip Code)**

N/A

N/A

12. (See instructions on reverse)**AMOUNT OF CLAIM (In dollars)****12a. PROPERTY DAMAGE****12b. PERSONAL INJURY****12c. WRONGFUL DEATH****12d. TOTAL (Failure to specify may cause forfeiture of your rights.)**

N/A

N/A

\$1055.88

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SA AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM**13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.)****13b. Phone number of signatory****14. DATE OF CLAIM**

Ahmad Jebri

inmate #31943-039

9/3/07

**CIVIL PENALTY FOR PRESENTING
FRAUDULENT CLAIM**

The claimant shall forfeit and pay to the United States the sum of \$2,000, plus double the amount of damages sustained by the United States.
(See 31 U.S.C. 3729.)

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT
CLAIM OR MAKING FALSE STATEMENTS**

Fine of not more than \$10,000 or imprisonment for not more than 5 years or both. (See 18 U.S.C. 287, 1001.)

Continue of #8.

Then I placed items in my property that ended up missing during my stay in the SHU.

Enclosed is a reply to my plea that I see my property.

There fore this tort claim is for items that went missing from 12-11-06 to 8-7-07.

~~I~~^{you} can bring witnesses (inmates)... anyone in my unit will testify of the large amount of books I had in my cube, these are just some of what I can recall.

Complete all items - Insert the word NONE where applicable

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

(b) In support of claims for damage to property which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property, which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) Failure to completely execute this form or to supply the requested material within two years from the date the allegations accrued may render your claim "invalid". A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized-bills for medical, hospital, or burial expenses actually incurred.

Failure to specify a sum certain will result in invalid presentation of your claim and may result in forfeiture of your rights.

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle or property.

15. Do you carry accident insurance? ☐ Yes, If yes, give name and address of insurance company (Number, street, city, State, and Zip Code) and policy number. ☒ No

16. Have you filed claim on your insurance carrier in this instance; and if so, is it full coverage or deductible?

17. If deductible, state amount

18. If claim has been filed with your carrier, what action has your insurer taken or proposes to take with reference to your claim? *(It is necessary that you ascertain these facts)*

19. Do you carry public liability and property damage insurance? ☐ Yes, If yes, give name and address of insurance carrier (Number, street, city, State, and Zip Code) ☒ No

Exhibit #2

RESPONSE TO INMATE REQUEST TO STAFF MEMBER
JEBRIL, Ahmad Musa
Reg. No: 31943-039

July 11, 2007
F-Unit

This is in response to your Inmate Request to Staff Member, dated June 22, 2007, and received in this office on July 6, 2007. You request to know why you have not been given the opportunity to retrieve items from your personal property in the Special Housing Unit.

A review of the issue(s) raised has been conducted. Your property was confiscated for investigation purposes. After the completion of the investigation, your property was released to be issued within the guidelines of the Special Housing Unit. On June 25, 2007, you were given the opportunity to receive the prescribed issue from your personal property.

The Bureau takes allegations of staff misconduct seriously, and your concerns have been referred for investigation.

If you have further questions, or information pertinent to your current status, you may contact your Unit Team.

I trust this information addresses your concerns.



C. Eichenlaub, Warden

Exhibit #3

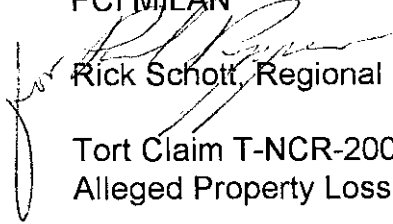


U.S. Department of Justice
Federal Bureau of Prisons
North Central Region

Kansas City, KS 66101-2492

DEC 14 2007

MEMORANDUM FOR JEBRIL, AHMAD, Reg. No. 31943-039
FCI THREE RIVERS
FCI MJLAN

FROM:  Rick Schott, Regional Counsel

SUBJECT: Tort Claim T-NCR-2007-06173
Alleged Property Loss: \$1,055.88

CERTIFIED RECEIPT

7005 1820 0006 7689 3330

Your above referenced tort claim has been considered for administrative review pursuant to 28 CFR § 0.172, Authority: Federal Tort Claims and 28 CFR Part 14, Administrative Claims Under Federal Tort Claims Act. Investigation of your claim did not reveal that you suffered any property loss as a result of the negligent acts or omissions of Bureau of Prisons employees acting within the scope of their employment.

As a result of this investigation, your claim is denied. This memorandum serves as a notification of final denial under 28 CFR § 14.9, Final Denial of Claim. If you are dissatisfied with our agency's action, you may file suit in an appropriate U.S. District Court no later than 6 months after the date of mailing of this notification.



**U.S. Department of Justice
Federal Bureau of Prisons**

North Central Regional Office

Office of the Regional Counsel

*400 State Avenue
Tower II, Suite 800
Kansas City, KS 66101*

September 18, 2007

Ahmad Jebril, 31943-039
FCI Three Rivers
PO Box 4200
Three Rivers TX 78071

Re: Administrative Claim for Damages

Claim #: TRT-NCR-2007-06173 \$ 1,055.88

Dear Claimant:

This is to notify you of our receipt of your administrative claim for damages under provisions of the Federal Tort Claims Act, Title 28 USC §1346(b), 2671 et. seq., alleging liability of the United States Government.

Your properly completed claim was received on September 10, 2007. The above referenced Act provides that the agency has 6 months to make an administrative determination on your claim from the date such proper claim was received by the appropriate agency. Accordingly, in the matter of the above referenced claim, the government's response is not due until March 08, 2008.

Regulations that may be pertinent to your claim may be found at Title 28 C.F.R. Part 14 et.seq., and §543.30.

Sincerely,
Richard W. Schott
Regional Counsel

Exhibit #4

(1)

Item	Value	Date of Purchase	Place of Purchase
1. Rubbermaid orange Jug	6.50	4/12/06	Milan, FCI Commissary
2. Harbinger X-LG	15.60	4/12/06	Milan FCI Commissary
3. Lock	5.70	4/04/06	Milan FCI =
4. Mirror	2.20	4/04/06	Milan FCI =
5. Mesh Bag	9.10	4/04/06	Milan FCI =
6. Clear Camp v/ld	.35	4/04/06	Milan FCI =
7. Soap dish	.35	4/04/06	=
8. Accordion File	1.20	4/04/06	=
9. 3x Sweatpants	18.85	4/04/06	=
10. 3x Sweatshirts	15.50	4/04/06	=
11. (3) weather Candy	2.30 x 3 = 6.90	2/15/06	=
12. Koss Headphones	14.30	1/19/06	=
13. 2x thermal	7.80	12/27/05	=
14. (2) hanes Briefs	6 x 2 = \$12.00	11/21/05	=
15. (2) XL Thermal top	5.85 x 2 = 11.70	11/08/05	=
16. Accordion File	1.20	8/31/05	=
17. 2 legal pads	1.05 x 2 = 2.10	8/22/05	=
18. 2 ink pens	.40	8/22/05 6/13/05	=
19. 1 legal pad	1.05	8/22/05 6/13/05	=
20. 1 legal envelope	.15	6/13/05	=
21. 2 legal pads	1.05 x 2 = 2.10	5/18/05	=
22. 2 accordion Files	1.20 x 2 = 2.40	5/18/05	=
23. Sony m-32 Audio	34.95	3/9/05	=
24. Shower shoes	3.40	3/9/05	=
25. Nail clippers	.65	3/9/05	=
26. Scissors	6.35	3/9/05	=
27. Tweezers	1.00	3/9/05	=

(2)

Item	Value	Date of Purchase	Place of Purchase
26. Classic Nylon	33.10	3/9/05	milan, FCI commissary
29. 2 legal pads	1.05 x 2 = 2.10	3/9/05	milan, FCI =
30. 4 legal envelopes	.60	3/9/05	milan, FCI =
31. 1 Rubbermaid Bowl Micro	2.60	3/9/05	=
32. Sauna Belt	8.90	4/11/06	=
33. 40 .39 stamps	15.60	4/4/06	=
34. 60 .39 stamps	23.40	4/11/06	=
35. 3 Sue Bee	10.05	4/11/06	=
36. Beebox	54.95	16/11/05	=
37. Timex sports	19.95	12/27/05	=
38. 5 legal envelopes	.75	12/27/05	=
39. light Bubbles	1.30	4/12/06	=
40. Doo rag	1.80	6/16/06	=
41. Koss Pro 1	46.05	7/20/07	=
42. Wedding Ring	100.00	6/10/03	wedding Present from wife
43. Religious Kufi	10.00	10/10/03 10/03	Store in Dearborn - Warren Ave
44. (Book) Stock options for Dining	14.95	12/29/05	Amazon.com
45. (Book) stock investing	14.95	12/29/05	=
46. Shipping (Book)	4.98	12/29/05	=
47. Pelican Brief (Book)	7.99	7/1/07	=
48. Certain Justice (Book)	7.99	7/1/07	=
49. Shipping (Book)	4.98	7/1/07	=
50. Palestine (Book)	18.84	11/24/06	=
51. Looming Tower (Book)	20.76	16/4/06	=
52. Kite Runner (Book)	8.40	April 1, 2006	=
53. Dictionary (Book)	5.99	=	=
54. Shipping (Book)	4.98	=	=
55. From Secularism to J. hnd (Book)	44.95	11/12/06	=
56. Inside Al Qaeda	15.00	11/28/06	=
57. ...	14.50	10/26/06	=

3

Item	Value	Date of Purchase	Place of Purchase
58. State of Denial (Book)	21.04	10/30/06	Amazon.com
59. Life after life (Book)	18.99	1/9/06	=
60. Life after life II (Book)	12.99	1/9/06	=
61. Dead man walking (Book)	15.15	7/1/07	Amazon.com
62. Inside wife (Book)	24.95	11/11/05	Borders
63. Dude (Book)	14.95	11/11/05	=
64. Shipping	4.50	11/11/05	=
65. Holy Quran (Book)	29.00	(around 10/06)	Halal Books
66. Tafseer (2 volume)	34.00	(around 10/06)	=
67. Fiqh Al-Sunnah Arabic 3 volumes	80.00	around 1/01	Bought from Jordan, and sent directly from family.
68. Na'il Al-awtar	28.00	=	=
69. Fan	25.00	10/06	Given to me by inmates ^{leaving here} the fan is in property room (Now) with my # on it in black marker. They refused to give it to me when I left because they were using it in property room. Nor would they let me send it home.
70. Tide Powder	5.75	4/4/06	Milan FCI commissary
71. Relaxer	8.90	4/4/06	=
72. Mug Taster's choice	1.85	3/9/05	=
73. Mug Taster's choice	1.85	11/21/05	=
74. Herbal Tea	3.40	11/21/05 2/22/06	=
75. 2 Honey	2.15 x 2 = 4.30	1/19/06	=
76. 1 NutraFruit mix	2.45	1/19/06	=
77. 1 olive oil	3.90	2/22/06	=
78. 1 prayer oil	3.29	2/22/06	=
79. orange drink orange drink	2.15	2/22/06	=
80. Salsa	1.80	2/22/06	=
81. 1 mozzarella	1.40	2/22/06	=
82. Grapedrink	2.00	2/22/06	=

Exhibit #5

U S Department of Justice
Federal Bureau of Prisons
400 State Ave
Tower II, Suite 800
Kansas City, KS 66101

DATE: 11/17/07

Re: Administrative Claim For Damages
Claim # TRT-NCR-2007-06173 \$1,055.88

This is to notify you that I filed a claim for damages under 28 USC §1346(b), 2671 in the above claim and amount.

I would like to amend the following:

1) After sending the claim and then looking my copies over I forgot to add the following

ITEM	VALUE	DATE OF PURCHASE	PLACE
Eyeglasses w/case	\$100	08/06	Eyeglass Fac.

Therefore instead of my claim being a total of \$1055.88 this serves to amend it and notify you that it is now \$1,155.88.

The glasses were sent to me through the medical department around the date I indicated. *medical has records of forms I completed to get them in*
The glasses cost much more than \$100.00 but since the limit on value of glasses is \$100.00 I only claim them as \$100.00

2) Anytime a settlement is issued I would like for it to go to my mother at the following address:
Subhieh Jebril
4637 Palmer
Dearborn MI 48126

Any correspondence, letters or settlement forms...etc. I would like addressed to me. However when issuing a check I would appreciate that it be sent to my mother at the above address.

My present address is at Three Rivers FCI however please check prior to any letter sent out to me if I'm still in Three Rivers or another institution.

Thank you for your help and cooperation in these matters.

Sincerely,

Ahmad Jebril #31943-039
Federal Correctional Institution
P O Box 4200
Three Rivers, TX 78071

CIVIL COVER SHEET FOR PRISONER CASES

Case No. <u>08-10159</u> Judge: <u>Bernard A. Friedman</u> Magistrate Judge: <u>Donald A. Scheer</u>	
Name of 1st Listed Plaintiff/Petitioner: AHMAD JEBRIL	Name of 1st Listed Defendant/Respondent: FEDERAL BUREAU OF PRISONS ET AL
Inmate Number: 31943-039	Additional Information:
Plaintiff/Petitioner's Attorney and Address Information: 	
Correctional Facility: FEDERAL CORRECTIONAL INSTITUTION P.O. BOX 4200 THREE RIVERS, TX 78071	

BASIS OF JURISDICTION

- ☒ 2 U.S. Government Defendant
☐ 3 Federal Question

ORIGIN

- ☒ 1 Original Proceeding
☐ 5 Transferred from Another District Court
☐ Other:

NATURE OF SUIT

- ☐ 530 Habeas Corpus
☐ 540 Mandamus
☒ 550 Civil Rights
☐ 555 Prison Conditions

FEE STATUS

- ☒ IFP *In Forma Pauperis*
☐ PD Paid

PURSUANT TO LOCAL RULE 83.11**1. Is this a case that has been previously dismissed?**

☐ Yes
 ☒ No

➤ If yes, give the following information:

Court: _____
 Case No: _____
 Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
 ☒ No

➤ If yes, give the following information:

Court: _____
 Case No: _____
 Judge: _____